

AMENDMENT TO RULES COMM. PRINT 117-54
OFFERED BY MR. THOMPSON OF MISSISSIPPI

Add at the end of division E the following:

1 **TITLE LIX—FEDERAL EMER-**
2 **GENCY MANAGEMENT AD-**
3 **VANCEMENT OF EQUITY**

4 **SEC. 5901. DEFINITIONS.**

5 In this title:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Federal
8 Emergency Management Agency.

9 (2) AGENCY.—The term “Agency” means the
10 Federal Emergency Management Agency.

11 (3) EMERGENCY.—The term “emergency”
12 means an emergency declared by the President
13 under section 501 of the Robert T. Stafford Disaster
14 Relief and Emergency Assistance Act (42 U.S.C.
15 5191).

16 (4) EQUITY.—The term “equity” means the
17 guarantee of fair treatment, advancement, equal op-
18 portunity, and access for underserved communities
19 and others, the elimination of barriers that have pre-

1 vented full participation for underserved commu-
2 nities, and the reduction of disparate outcomes.

3 (5) **EQUITABLE.**—The term “equitable” means
4 having or exhibiting equity.

5 (6) **FEDERAL ASSISTANCE.**—The term “Federal
6 assistance” means assistance provided pursuant to—

7 (A) a declaration of a major disaster or
8 emergency under the Robert T. Stafford Dis-
9 aster Relief and Emergency Assistance Act;

10 (B) sections 203 and 205 of the Robert T.
11 Stafford Disaster Relief and Emergency Assist-
12 ance Act; and

13 (C) section 1366 of the National Flood In-
14 surance Act of 1968 (42 U.S.C. 4104c).

15 (7) **MAJOR DISASTER.**—The term “major dis-
16 aster” means a major disaster declared by the Presi-
17 dent under section 401 of the Robert T. Stafford
18 Disaster Relief and Emergency Assistance Act (42
19 U.S.C. 5170).

20 (8) **UNDERSERVED COMMUNITY.**—The term
21 “underserved community” means—

22 (A) the Native-American and Alaskan-Na-
23 tive community;

24 (B) the African-American community;

25 (C) the Asian community;

1 (D) the Hispanic community (including in-
2 dividuals of Mexican, Puerto Rican, Cuban, and
3 Central or South American origin);

4 (E) the Pacific Islander community;

5 (F) the Middle Eastern and North African
6 community;

7 (G) a rural community;

8 (H) a low-income community;

9 (I) individuals with disabilities;

10 (J) a limited English proficiency commu-
11 nity;

12 (K) other individuals or communities oth-
13 erwise adversely affected by persistent poverty
14 or inequality; and

15 (L) any other disadvantaged community,
16 as determined by the Administrator.

17 **Subtitle A—Ensuring Equity in**
18 **Federal Disaster Management**

19 **SEC. 5911. DATA COLLECTION, ANALYSIS, AND CRITERIA.**

20 (a) IN GENERAL.—Not later than one year after the
21 date of enactment of this Act, the Administrator shall, in
22 consultation with the Secretary of Housing and Urban De-
23 velopment and the Administrator of the Small Business
24 Administration, develop and implement a process to en-

1 sure equity in the provision of Federal assistance and
2 throughout all programs and policies of the Agency.

3 (b) SPECIFIC AREAS FOR CONSULTATION.—In car-
4 rying out subsection (a), the Administrator shall identify
5 requirements for ensuring the quality, consistency, acces-
6 sibility, and availability of information needed to identify
7 programs and policies of the Agency that may not support
8 the provision of equitable Federal assistance, including—

9 (1) information requirements;

10 (2) data sources and collection methods; and

11 (3) strategies for overcoming data or other in-
12 formation challenges.

13 (c) MODIFICATION OF DATA COLLECTION SYS-
14 TEMS.—The Administrator shall modify the data collec-
15 tion systems of the Agency based on the process developed
16 under subsection (a) to ensure the quality, consistency, ac-
17 cessibility, and availability of information needed to iden-
18 tify any programs and policies of the Agency that may
19 not support the provision of equitable Federal assistance.

20 **SEC. 5912. CRITERIA FOR ENSURING EQUITY IN POLICIES**
21 **AND PROGRAMS.**

22 (a) IN GENERAL.—Not later than one year after the
23 date of enactment of this Act, the Administrator shall de-
24 velop, disseminate, and update, as appropriate, criteria to
25 apply to policies and programs of the Agency to ensure

1 equity in the provision of Federal assistance and through-
2 out all programs and policies of the Agency.

3 (b) CONSULTATION.—In developing and dissemi-
4 nating the criteria required under subsection (a), the Ad-
5 ministrator shall consult with—

6 (1) the Office for Civil Rights and Civil Lib-
7 erties of the Department of Homeland Security;

8 (2) the United States Department of Housing
9 and Urban Development; and

10 (3) the Small Business Administration.

11 (c) INTEGRATION OF CRITERIA.—

12 (1) IN GENERAL.—The Administrator shall, to
13 the maximum extent possible, integrate the criteria
14 developed under subsection (a) into existing and fu-
15 ture processes related to the provision of Federal as-
16 sistance.

17 (2) PRIORITY.—The Administrator shall
18 prioritize integrating the criteria under paragraph
19 (1) into processes related to the provision of—

20 (A) assistance under sections 402, 403,
21 406, 407, 428, and 502 of the Robert T. Staf-
22 ford Disaster Relief and Emergency Assistance
23 Act (42 U.S.C. 5170a et seq.);

1 (B) Federal assistance to individuals and
2 households under section 408 of such Act (42
3 U.S.C. 5174);

4 (C) hazard mitigation assistance under
5 section 404 of such Act (42 U.S.C. 5170e); and

6 (D) predisaster hazard mitigation assist-
7 ance under section 203 of such Act (42 U.S.C.
8 5133).

9 **SEC. 5913. METRICS; REPORT.**

10 (a) METRICS.—In carrying out this subtitle, the Ad-
11 ministrator shall—

12 (1) establish metrics to measure the efficacy of
13 the process developed under section 5911 and the
14 criteria developed under section 5912; and

15 (2) seek input from relevant representatives of
16 State, regional, local, territorial, and Tribal govern-
17 ments, representatives of community-based organiza-
18 tions, subject matter experts, and individuals from
19 underserved communities impacted by disasters.

20 (b) REPORT.—Not later than one year after the dis-
21 semination of the criteria under section 5912(a), and an-
22 nually thereafter, the Administrator shall submit to Con-
23 gress a report describing how the criteria and processes
24 developed under this subtitle have impacted efforts to en-
25 sure equity in the provision of Federal assistance and

1 throughout all programs and policies of the Agency, in-
2 cluding—

3 (1) any obstacles identified or areas for im-
4 provement with respect to implementation of such
5 criteria and processes, including any recommended
6 legislative changes;

7 (2) the effectiveness of such criteria and proc-
8 esses, as measured by the metrics established under
9 subsection (a); and

10 (3) any impacts of such criteria and processes
11 on the provision of Federal assistance, with specific
12 attention to impacts related to efforts within the
13 Agency to address barriers to access and reducing
14 disparate outcomes.

15 **Subtitle B—Operational Enhance-**
16 **ment to Improve Equity in Fed-**
17 **eral Disaster Management**

18 **SEC. 5921. EQUITY ADVISOR.**

19 (a) IN GENERAL.—The Administrator shall designate
20 a senior official within the Agency as an equity advisor
21 to the Administrator to be responsible for advising the Ad-
22 ministrator on Agency efforts to ensure equity in the pro-
23 vision of Federal assistance and throughout all programs
24 and policies of the Agency.

1 (b) QUALIFICATIONS.—In designating an equity advi-
2 sor under subsection (a), the Administrator shall select an
3 individual who is a qualified expert with significant experi-
4 ence with respect to equity policy, civil rights policy, or
5 programmatic reforms.

6 (c) DUTIES.—In addition to advising the Adminis-
7 trator, the equity advisor designated under subsection (a)
8 shall—

9 (1) participate in the implementation of sec-
10 tions 5911 and 5912;

11 (2) monitor equity the implementation of equity
12 efforts within the Agency and within Federal Emer-
13 gency Management Agency Regions to ensure con-
14 sistency in the implementation of policy or pro-
15 grammatic changes intended to ensure equity in the
16 provision of Federal assistance and throughout all
17 programs and policies of the Agency;

18 (3) identify ways to improve the policies and
19 programs of the Agency to ensure that such policies
20 and programs are equitable, including enhancing op-
21 portunities to support underserved populations in
22 preparedness, mitigation, protection, response, and
23 recovery; and

24 (4) any other activities the Administrator con-
25 siders appropriate.

1 (d) CONSULTATION.—In carrying out the duties
2 under this section, the equity advisor shall, on an ongoing
3 basis, consult with representatives of underserved commu-
4 nities, including communities directly impacted by disas-
5 ters, to evaluate opportunities and develop approaches to
6 advancing equity within the Agency, including by increas-
7 ing coordination, communication, and engagement with—

8 (1) community-based organizations;

9 (2) civil rights organizations;

10 (3) institutions of higher education;

11 (4) research institutions;

12 (5) academic organizations specializing in diver-
13 sity, equity, and inclusion issues; and

14 (6) religious and faith-based organizations.

15 **SEC. 5922. EQUITY ENTERPRISE STEERING GROUP.**

16 (a) ESTABLISHMENT.—There is established in the
17 Agency a steering group to advise the Administrator on
18 how to ensure equity in the provision of Federal assistance
19 and throughout all programs and policies of the Agency.

20 (b) RESPONSIBILITIES.—In carrying out subsection
21 (a), the steering group established under this section
22 shall—

23 (1) review and, as appropriate, recommend
24 changes to Agency-wide policies, procedures, plans,
25 and guidance;

1 (2) support the development and implementa-
2 tion of the processes and criteria developed under
3 subtitle A; and

4 (3) monitor the integration and establishment
5 of metrics developed under section 5913.

6 (c) COMPOSITION.—The Administrator shall appoint
7 the following individuals as members of the steering group
8 established under subsection (a):

9 (1) Representatives from each of the following
10 offices of the Agency:

11 (A) The Office of Equal Rights.

12 (B) The Office of Response and Recovery.

13 (C) FEMA Resilience.

14 (D) The Office of Disability Integration
15 and Coordination.

16 (E) The United States Fire Administra-
17 tion.

18 (F) The mission support office of the
19 Agency.

20 (G) The Office of Chief Counsel.

21 (H) The Office of the Chief Financial Offi-
22 cer.

23 (I) The Office of Policy and Program
24 Analysis.

25 (J) The Office of External Affairs.

1 (2) The administrator of each Regional Office,
2 or his or her designee.

3 (3) The equity advisor, as designated by the
4 Administrator under section 5921.

5 (4) A representative from the Office for Civil
6 Rights and Civil Liberties of the Department of
7 Homeland Security.

8 (5) The Superintendent of the Emergency Man-
9 agement Institute.

10 (6) The National Tribal Affairs Advisor of the
11 Federal Emergency Management Agency.

12 (7) Any other official of the Agency the Admin-
13 istrator determines appropriate.

14 (d) LEADERSHIP.—The Administrator shall des-
15 ignate one or more members of the steering group estab-
16 lished under subsection (a) to serve as chair of the steering
17 group.

18 **SEC. 5923. GAO REVIEW OF EQUITY REFORMS.**

19 Not later than three years after the date of enact-
20 ment of this Act, the Comptroller General of the United
21 States shall issue a report to evaluate the implementation
22 of this subtitle and subtitle A.

1 **Subtitle C—GAO Review of Factors**
2 **to Determine Assistance**

3 **SEC. 5931. GAO REVIEW OF FACTORS TO DETERMINE AS-**
4 **SISTANCE.**

5 (a) IN GENERAL.—Not later than one year after the
6 date of enactment of this Act, the Comptroller General
7 of the United States shall issue a report describing the
8 factors the Agency considers when evaluating a request
9 from a Governor to declare that a major disaster or emer-
10 gency exists and to authorize assistance under sections
11 402, 403, 406, 407, 408, 428, and 502 of the Robert T.
12 Stafford Disaster Relief and Emergency Assistance Act
13 (42 U.S.C. 5170a et seq.).

14 (b) CONTENTS.—The report issued under subsection
15 (a) shall include—

16 (1) an assessment of—

17 (A) the degree to which the factors the
18 Agency considers when evaluating a request for
19 a major disaster or emergency declaration—

20 (i) affect equity for underserved com-
21 munities, particularly with respect to
22 major disaster and emergency declaration
23 requests, approvals of such requests, and
24 the authorization of assistance described in
25 subsection (a); and

1 (ii) are designed to deliver equitable
2 outcomes;

3 (B) how the Agency utilizes such factors or
4 monitors whether such factors result in equi-
5 table outcomes;

6 (C) the extent to which major disaster and
7 emergency declaration requests, approvals of
8 such requests, and the authorization of assist-
9 ance described in subsection (a), are more high-
10 ly correlated with high-income counties com-
11 pared to lower-income counties;

12 (D) whether the process and administra-
13 tive steps for conducting preliminary damage
14 assessments are equitable; and

15 (E) to the extent practicable, whether such
16 factors may deter a Governor from seeking a
17 major disaster or emergency declaration for po-
18 tentially eligible counties; and

19 (2) a consideration of the extent to which such
20 factors affect underserved communities—

21 (A) of varying size;

22 (B) with varying population density and
23 demographic characteristics;

24 (C) with limited emergency management
25 staff and resources; and

1 (D) located in urban or rural areas.

2 (c) RECOMMENDATIONS.—The Comptroller General
3 shall include in the report issued under subsection (a) any
4 recommendations for changes to the factors the Agency
5 considers when evaluating a request for a major disaster
6 or emergency declaration to account for underserved com-
7 munities.

